

IN THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1.-19. (Cancelled)

20. (New) An optical disk apparatus comprising:

an optical head which applies or receives a laser beam to or from an optical disk including an information recording layer, to perform recording or reproducing processing;

a waiting position determination unit which detects a wave reflected from the optical disk using the optical head, discriminates an unrecorded region from a recorded region based on a height of reflectivity or reflectivity distribution of the optical disk corresponding to the detected wave, and determines, as a waiting position, a position in the recorded region two or more tracks away from a boundary between the unrecorded region and the recorded region, after the recording or the reproducing processing is finished; and

a control unit which moves the optical head to the waiting position, shifts the waiting position by a preset amount away from the boundary and moves the optical head to the shifted waiting position, when there is no instruction to perform recording processing or reproduction processing even after a preset time elapses, and performs control for shifting the optical disk apparatus to a power-saving state in which various servo states other than focus servo are made to holding states or open states, and only the focus servo is kept to be performed.

21. (New) The optical disk apparatus according to claim 20, wherein the preset amount set by the control unit is about 0.1 mm.

22. (New) An optical disk apparatus comprising:

an optical head which applies or receives a laser beam to or from an optical disk including an information recording layer, to perform recording or reproducing processing;

a waiting position determination unit which detects a wave reflected from the optical disk using the optical head, discriminates an unrecorded region from a recorded region based on a height of reflectivity or reflectivity distribution of the optical disk corresponding to the

detected wave, and determines, as a waiting position, a position in the recorded region two or more tracks away from a boundary between the unrecorded region and the recorded region, after the recording or the reproducing processing; and

a control unit which performs control for moving the optical head to the waiting position to set the optical head in a waiting state.

23. (New) A method of retracting an optical head incorporated in an optical disk apparatus in which the optical head applies or receives a laser beam to or from an optical disk including an information recording layer, to perform recording or reproducing processing, comprising:

detecting a wave reflected from the optical disk using the optical head, discriminating an unrecorded region from a recorded region based on a height of reflectivity or reflectivity distribution of the optical disk corresponding to the detected wave, and determining, as a waiting position, a position in the recorded region two or more tracks away from a boundary between the unrecorded region and the recorded region, after finishing the recording or the reproducing processing; and

moving the optical head to the waiting position, shifting the waiting position by a preset amount away from the boundary and moving the optical head to the shifted waiting position, when there is no instruction to perform recording processing or reproduction processing even after a preset time elapses, and performing control for shifting the optical disk apparatus to a power-saving state in which various servo states other than focus servo are made to holding states or open states, and only the focus servo is kept to be performed.

24. (New) The method according to claim 23, wherein the preset amount set by the control unit is about 0.1 mm.

25. (New) A method of retracting an optical head incorporated in an optical disk apparatus in which the optical head applies or receives a laser beam to or from an optical disk including an information recording layer, to perform recording or reproducing processing, comprising:

detecting a wave reflected from the optical disk using the optical head, discriminating an unrecorded region from a recorded region based on a height of reflectivity or reflectivity distribution of the optical disk corresponding to the detected wave, and determining, as a

waiting position, a position in the recorded region two or more tracks away from a boundary between the unrecorded region and the recorded region, after finishing the recording or the reproducing processing; and

performing control for moving the optical head to the waiting position to set the optical head in a waiting state.